CLASSIFICATION OFFICE DECISION

Title of publication:	simm022.JPG
Other known title(s):	Not stated
OFLC ref:	1000162.000
Medium:	Computer Image File
Publisher:	Not stated
Country of origin:	Not stated
Language:	Not applicable
Applicant:	Commissioner of Police
Classification:	Objectionable.
Descriptive note:	None
Display conditions:	None
Date of entry in Register:	10 March 2010
Date of direction to issue a label:	No direction to issue a label has been issued

Summary of reasons for decision:

The computer image file is deemed objectionable under s3(2)(a) of the Films, Videos, and Publications Classification Act 1993 (FVPC Act) because it promotes and supports the exploitation of children for sexual purposes. The image file is a sexually exploitative record of a child who is being subjected to a sexual practice involving bondage. The obvious purpose of the image is the gratification of persons with a sexual interest in children or young persons, and it has the effect of legitimising and encouraging this interest.

The classification of this publication interferes with the freedom of expression as set out in the New Zealand Bill of Rights Act 1990, but this is an outcome that is consistent with Parliament's intention that publications falling under s3(2) of the FVPC Act are deemed to be objectionable. The classification is also a reasonable limitation on the freedom of expression that reflects the concern of a free and democratic society to limit the availability of publications that promote and support the exploitation of children for sexual purposes.